

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

H. DEAN ALLISON, et al.,

Plaintiffs,

This filing pertains to Plaintiffs,

**MARTHA P. WHITE, Individually
and as Executrix of the Estate of
FREDDIE W. WHITE, deceased,
and**

**KIM MCCOMBS, DONNA BEAM and
KRISTI SPLAWN, as Co-Administrators CTA)
of the Estate of LEMUEL SPLAWN,
deceased,
and**

**BRENDA MAHONEY, Individually and as
Executor of the Estate of JAMES T.
MAHONEY, JR., deceased,
and**

**LILLIE M. BALDWIN, Individually and as
Executrix of the Estate of ROBERT LEE
BALDWIN, deceased,
and**

**ROBIN BRATTEN SPENCE, Executor of
the Estate of JOHNNIE BRATTEN,
deceased and KATHLEEN BRATTEN,
Individually**

v.

DANIEL CONSTRUCTION COMPANY, et al.,

Defendants.

WDNC No. 1:00cv32-T

**ORDER SUBSTITUTING
PERSONAL REPRESENTATIVES AS PLAINTIFFS**

THIS MATTER is before the Court on the amended motion of the personal representatives to be substituted for the deceased Plaintiffs specifically captioned above. The Defendants have no objection to the relief sought.

On review of the motion, it appears to the Court that Freddie W. White is deceased and Martha P. White is the duly qualified, appointed and acting Executrix of his estate; James T. Mahoney, Jr. is deceased and Brenda Mahoney is the duly qualified, appointed and acting Executor of his Estate; Robert Lee Baldwin is deceased and Lillie M. Baldwin is the duly qualified, appointed and acting Executrix of his estate, Lemuel Splawn is deceased and Kim McCombs, Donna Beam and Kristi Splawn, are the duly qualified, appointed and acting Co-Administrators CTA of his Estate, and Johnnie Bratten is deceased and Robin Bratten Spence is the duly qualified, appointed and acting Executor of his estate. It further appears to the Court that the nature of this action is such that the cause of action survives the death of each of these named Plaintiffs.

IT IS, THEREFORE, ORDERED that the amended motion of the personal representatives to be substituted for the deceased Plaintiffs captioned above is **ALLOWED**, and Martha P. White, individually and as Executrix of the Estate of Freddie W. White, deceased, is hereby substituted as Plaintiff for Freddie W. White, deceased; Brenda Mahoney, Individually and as Executor of the Estate of James T. Mahoney, Jr., deceased, is hereby substituted as Plaintiff for James T. Mahoney, Jr., deceased; Lillie

M. Baldwin, Individually and as Executrix of the Estate of Robert Lee Baldwin, deceased, is hereby substituted as Plaintiff for Robert Lee Baldwin, deceased; Kim McCombs, Donna Beam and Kristi Splawn, Co-Administrators CTA of the Estate of Lemuel Splawn, deceased, are hereby substituted as Plaintiffs for Lemuel Splawn, deceased, and Robin Bratten Spence, Executor of the Estate of Johnnie J. Bratten, deceased, is hereby substituted as Plaintiff for Johnnie Bratten, deceased, and that the substitutions herein shall be shown in the title of this action upon entry of this Order.

Signed: March 6, 2008

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

